

REMARKS

Initially, Applicant would like to express their appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Information Disclosure Statement by return of the Form PTO-1449, and for the acknowledgment of Applicant's Claim for Priority and Receipt of the certified copy of the priority documents in the Official Action. Applicant further gratefully acknowledges the Examiner's indication of the allowability of claims 8-14 and of the allowance of claims 1-6 and 15. Upon entry of the present amendment, claims 5, 8 and 12 will have been amended and claim 7 will have been canceled. Claims 1-6 and 8-15 remain pending in the present application, with claims 1-6 and 15 standing allowed. Applicants note that claims 5 and 12 have been amended to correct spelling errors.

Applicant gratefully acknowledges the Examiner's indication of the allowability of claims 8-14, and of the allowance of claims 1-6 and 15. In this regard, Applicant notes that allowable claim 8 has been amended into independent form and to incorporate the limitations of base claim 7.

The Examiner has rejected claim 7 under 35 U.S.C. § 102 (e) as being anticipated by Applicant's Admitted Prior Art. As discussed above and solely in order to advance the prosecution of the present application as discussed above, Applicant has amended allowable claim 8 into independent form and to incorporate the limitations of base claim 7, and has

P21535.A04

canceled claim 7, which should not be taken as an acquiescence by Applicant as to the appropriateness of the rejection. Further, Applicant expressly reserves the right to submit claims of a related scope in another application. Thus, the cancellation of the claim in the present application is without prejudice.

Absent a disclosure in a single reference of each and every element cited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in claim 8, this claim, and the claims dependent therefrom, are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102(e).

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. § 102, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and with respect to the amendment of allowable claim 8 into independent form, should not be considered as surrendering equivalents of the territory between this claim prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. For example, as discussed *supra*, claims 5 and 12 have been amended to correct spelling errors.

P21535.A04

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Yoshitaka SUMIDA

Will: Boshin

Reg. No. 44,550

Bruce H. Bernstein

Reg. No. 29,027

August 27, 2004

GREENBLUM & BERNSTEIN, P.L.C.

1950 Roland Clarke Place

Reston, VA 20191

(703) 716-1191